

REMARKS

In the Office Action dated June 9, 2004, claims 1, 2 and 4-7 stand rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,253,830 B1 to Bickford et al. (hereinafter "Bickford") in view of U.S. Patent No. 5,908,804 to Menon et al. (hereinafter "Menon"). Claim 3 also stands rejected under 35 U.S.C. §103(a) as obvious over Bickford in view of Menon and in further view of U.S. Patent No. 3,763,380 to Robinson et al. (hereinafter "Robinson").

Claims 1-7 are presented for continued prosecution. Reconsideration of the application is respectfully requested in view of the following remarks.

Rejections under 35 U.S.C. §103(a)

As noted above, claims 1-7 stand rejected as obvious over the combination of either Bickford in view of Menon or the combination of Bickford in view of Menon and in further view of Robinson. Thus, both grounds for rejection rely on Bickford as the "primary" reference.

In response, Applicants respectfully submit Bickford is not prior art against the present application because it qualifies as prior art under 35 U.S.C. §102(e). As the Examiner will note, Bickford was filed before, but issued after, the present application's filing date of September 18, 1999. Bickford on its face is assigned to Procedyne Corp. The present application is also assigned to Procedyne Corp. Applicants have attached a copy of the recorded assignment for the present application as Exhibit A. In view of the submitted evidence, both Bickford and the present application are "commonly-owned." *See* §706.02(l) of the MPEP, 8th ed, ver. 2. As a result, Bickford is disqualified as prior art pursuant to 35 U.S.C. §103(c). Withdrawal of the rejections is respectfully requested.

If the Examiner has any questions regarding the amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number set forth below.

Applicants do not believe that any fees are due, other than the requisite fees for the supplemental information disclosure statement and the extension of time. However, if any additional fees are due, please charge such sums to our Deposit Account, 50-1145.

Respectfully submitted,



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JANUARY 10, 2001



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RECORDATION DATE: 09/18/2000

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NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

STAFFIN, H. KENNETH

DOC DATE: 09/01/2000

ASSIGNEE:

TRAINA, EDWARD P.

DOC DATE: 09/01/2000

ASSIGNEE:

RUBINO, GIOVANNI

DOC DATE: 09/01/2000

ASSIGNEE:

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SERIAL NUMBER: 09663995
PATENT NUMBER:

FILING DATE: 09/18/2000
ISSUE DATE:

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JAN 16 2001

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H. Kenneth Staffin
Edward P. Traina
Giovanni Rubino



Additional names(s) of conveying party(ies)

Yes No

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Execution Date: September 1, 2000

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: September 1, 2000

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Ronald R. Santucci

Internal Address: Pitney, Hardin, Kipp & Szuch, LLP

Street Address: 711 Third Avenue, 20th Floor

City: New York State: NY ZIP: 10017

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

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September 18, 2000

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A S S I G N M E N T

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H. Kenneth Staffin, Edward P. Traina and Giovanni Rubino

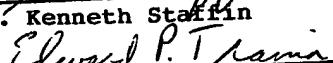
being the inventors of certain improvements in "Fluidized Bed Gas Distributor System for Elevated Temperature Operation"
hereby assign unto Procedyne Corp.

a corporation organized and existing under the laws of the State of New York , and having a principal place of business at 11 Industrial Drive, New Brunswick, New Jersey 08901 the entire right, title and interest in and to such invention, together with the patent rights and rights of protection to the same throughout the world, including any patent rights which may result from the application for United States Letters Patent which we have executed on even date herewith and preparatory to obtaining Letters Patent of the United States therefor and in and to any and all divisions, reissues, continuations and extensions thereof and in and to any Letters Patent that may be granted thereon; said invention, application and Letters Patent to be held and enjoyed by the said assignee for its own use and behoof and for the use and behoof of its successors and assigns, to the full end of the term for which said Letters Patent or other rights of protection may be granted, as fully and as entirely as the same would have been held and enjoyed by us had this assignment and sale not been made.

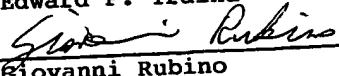
AND WE COVENANT, AGREE AND WARRANT that we have a full and unencumbered title to the invention hereby assigned, and we further covenant and agree that we will, at any time upon request, without further compensation, execute and deliver any and all papers or instruments that in the opinion of the assignee may be necessary or desirable to secure said assignee the full enjoyment of the rights and properties herein conveyed or intended to be conveyed.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 1st day of September, 2000 .


H. Kenneth Staffin


Edward P. Traina

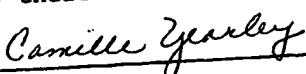
Edward P. Traina


Giovanni Rubino

STATE OF New Jersey) ss.:
COUNTY OF Middlesex)

On this 1st day of September 2000 , before me, a Notary Public, personally appeared

to me known and known to me to be the individuals named in and who executed the foregoing instrument, and they being by me first duly sworn, did acknowledge that they executed the same as their own free act and deed and as and for the purposes therein set forth.


Camille Yearley

Camille Yearley
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